

FARAD CONTINUATION SHEET
IN THE HIGH COURT OF JUDICATURE AT BOMBAY.
CIVIL APPELLATE SIDE JURISDICTION.

CIVIL APPLICATION NO.2352 OF 2013
IN
FIRST APPEAL (ST) NO.17972 OF 2013

Office Notes, Office Memoranda of Coram, Appearances, court's orders or directions and Registrar's orders	Court's or Judge's orders
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Mr. A. B. Gatane for Insurance Co.
Mr. Sainand V. Chougule for the Respondent

CORAM : K. K. TATED, J.
DATE : APRIL 17, 2015

P.C.:

1. Heard. This Application is preferred by the Insurance Co. for stay of the operation and implementation of the impugned judgment and award dated 21/11/2012 passed by the MACT Thane in MACP No.958/2008.

2. The learned counsel for the Applicant submits that they already deposited the entire decretal amount in the Tribunal. He submits that they have good chance of success in the matter. The Tribunal awarded compensation at higher side. Hence, during pendency of the appeal, the operation and implementation of the impugned order be stayed.

3. On the other hand, the learned counsel for the Respondent-Claimant vehemently opposed the present Civil Application. He submits that the claimant preferred Civil Application No.1214/2015 for withdrawal of the amount.

4. Considering the submissions made by the learned counsel for the Applicant, the averments made in the Application and as the entire amount deposited in the Tribunal, I am satisfied that the Applicant has made out a case for allowing the present Civil Application.

5. The Application No.1214/2015 preferred by the Respondent-Claimant for withdrawal of the amount will be decided on merits.

6. Hence, the following order:

a. Civil Application is allowed in terms of prayer clause (B) which reads thus:

(B) This Hon'ble Court be pleased to stay the execution, operation and implementation of the impugned judgment and award dated 21/11/2012 passed by the Member, MACT Thane in MACP No.958/2008 till final hearing and disposal of the First Appeal as against the Applicant.

b. The Tribunal is directed to invest the entire decretal amount in a fixed deposit account of any Nationalized bank, initially for a period of one year which will be renewed from time to time till hearing and final disposal of the appeal.

c. The Civil Application No.1214/2015 preferred by the Respondent-Claimant for withdrawal of the amount will be decided on merits.

d. Civil Application stands disposed off accordingly.

JUDGE